

ARTICLE XX [Amendment to Emerald Island Special District (EISD) Regulations]

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To see if the Town will amend the Zoning By-Law as described herein, and to be numbered appropriately.

Amend Section 5.06.4 (j) (2) (d) as follows:

(Changes in bold and underlined)

§5.06 – SPECIAL DISTRICT REGULATIONS

5.06.4. j. *Emerald Island Special District*

2) d. All new buildings and renovations to existing buildings shall be LEED Silver Certifiable or higher. **All New Buildings shall also be free of On-Site Fossil Fuel Infrastructure.**

As used in this Article, the following terms shall have the following meanings:

“New Building” is defined as a building not in existence on the date of an application for a special permit that is subject to this Article.

“On-Site Fossil Fuel Infrastructure” is defined as fossil fuel piping that is in a building, in connection with a building, or otherwise within the property lines of premises, including piping that extends from a supply source; provided, however, that “On-Site Fossil Fuel Infrastructure” shall not include:

- a. Fuel gas piping connecting a supply source to a meter or to the meter itself; or
- b. Fossil fuel piping related to backup electrical generators, cooking appliances or portable propane appliances for outdoor cooking and heating.
- c. The requirements of this Article shall not apply to the piping, in buildings with floor areas of at least 10,000 square feet, required to produce potable or domestic hot water from centralized hot water systems if the Engineer of Record certifies that no commercially available electric hot water heater can meet the building's hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system.
- d. The requirements of this Article shall not apply to:
 - 1. Research laboratories for scientific or medical research, and
 - 2. Health care uses that require licensure or certification as a health care facility by the Massachusetts Department of Public Health.

Applicants shall provide evidence to the satisfaction of the Building Commissioner and Director of Planning and Community Development that all new construction and renovations of existing buildings are LEED Certifiable Silver or a higher rating via the provision of a LEED scoring sheet. The construction or renovation of such buildings consistent with these plans shall be confirmed prior to the issuance of a Certificate of Occupancy. **A waiver from the regulations of §5.06.j (2d) may be approved by the Board of Appeals, in its special permit decision, upon a finding:**

- 1.) If supported by a detailed cost comparison provided by the applicant, that strict compliance with the requirements of Section 5.06.4j (2d) would be financially infeasible, including after utilizing available rebates and credits, or otherwise impractical to implement; or
- 2.) That strict compliance with the requirements of Section 5.06.4j (2d) would result in the loss of new affordable housing units eligible for inclusion in the Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory.

In considering any waiver request, the Board of Appeals shall evaluate whether particular portions of a project are financially infeasible or impractical to implement, or would result in the loss of new affordable housing units, and the Board of Appeals shall issue waivers narrowly for those portions, where appropriate, rather than for an entire project.

or act on anything relative thereto.